

## **EXHIBIT 2**

## COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT  
Docket No. 04-1105

|                             |   |
|-----------------------------|---|
| Bay Mortgage Services, Inc. | ) |
| and Peter J. Lucido,        | ) |
| Plaintiffs                  | ) |
|                             | ) |
| v.                          | ) |
|                             | ) |
| USBancorp,                  | ) |
| Defendant                   | ) |

**FIRST SET OF INTERROGATORIES FROM THE PLAINTIFF, BAY MORTGAGE SERVICES, INC.  
TO THE DEFENDANT, USBANCORP**

The objecting party, USBancorp, shall specify whether the answers or portions thereof are supplied upon information and belief, or upon the Defendant's personal knowledge. If based upon information and belief, the Defendant shall specifically identify and describe the sources of such information and belief. Should the Defendant be unable to answer any Interrogatory or portion thereof by either actual knowledge or upon information and belief, the Defendant should so state in detail his efforts to obtain such knowledge as would enable him to better answer said Interrogatories or portion thereof.

The Defendant shall supplement these answers with any conclusions, opinions, contentions, or facts that are different from those set forth in the Defendant's answers and which relate in any way to these Interrogatories, which the Defendant acquires subsequent to the date of answering these Interrogatories, up to and including the date of trial. Such changes shall be furnished to the Plaintiff promptly after such information is required.

**DEFINITIONS**

"Identify" and "identification", "describe" or "description":

- (a) When used in the reference to an individual means to state the person's full name, present or last known address and occupation, if any;
- (b) When used in reference to a document (for example, reports, synopses of interviews, internal memoranda, tape recordings, or the like), means date, author,

addressee, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished;

- (c) When used in reference to any act, occurrence, occasion, meeting, transaction, or conduct means to set forth the event or events constituting each act, its locations, the date and person participating, present or involved, and the documents relating or referring in any way thereto; and
- (d) "Conversation(s)", as used in the Interrogatories, refers to oral communication regardless of the manner that such communication took place. When identification of a conversation is requested, the following shall be separately stated as to each communication: the date, the place or places at which it occurred; the persons and their business affiliations; the substance of the communication; the name and address of any other persons who, although not present or involved, possess information concerning the existence or nature of such communications.
1. Please state the full name, address, occupation, and relationship to the Defendant of the person answering these interrogatories.
  2. Please provide the full name, address, occupation, and relationship to the Defendant of all persons contributing to these answers to interrogatories.
  3. Please provide the name, business address and residential address of each and every representative of Norvergence who communicated with either Plaintiff regarding the subject matter of this lawsuit.
  4. Please identify each and every communication between each and every representative of Norvergence and the Plaintiff regarding this matter. In your description, please provide the following:
    - A. The form of communication (i.e., by telephone, in person, etc.);
    - B. The date and time of such communication;
    - C. The substance of such communication;
    - D. The identity of all persons involved in such communication.
  5. Please identify by name, title and address of all persons involved in the processing of the documents executed by the Plaintiffs.
  6. Please describe in detail all actions taken by Norvergence in processing the documents executed by the Plaintiffs.

7. Please provide the full legal corporate name of "USBancorp" including the state of incorporation and the principal address.
8. Please state when Bancorp was assigned the all rights and obligations of Norvergence regarding the documents executed by the Plaintiffs.
9. Please identify by name, address and title any and all representatives of USBancorp and any and all representatives of Norvergence involved in negotiating said assignment.
10. Please provide the name and title of each person who is or has been responsible for formulating, directing, controlling or supervising procedures and practices for USBancorp's acceptance of assignments of certain Norvergence agreements including those signed by the Plaintiff herein.
11. For each and every claim or counterclaim asserted against Bancorp in any jurisdiction in connection with the practices, products or services of Norvergence, please provide: 1) name and address of the claimant; and 2) name, address and docket number for the court where filed.
12. For each and every complaint received by Bancorp regarding the practices, products or services of Norvergence, please provide: 1) date of such complaint; 2) name and address of complainant; 3) a description of the complaint made; 4) the name, address and title of any and all Bancorp employees or representatives responding to said complaint; and 4) a description of any and all responses to such complaints made by Bancorp.
13. Please identify each and every governmental agency, Better Business Bureau or other similar organization that has inquired of Bancorp regarding the practices, products or services of Norvergence.
14. For each and every governmental agency, Better Business Bureau or other similar organization that has inquired of Bancorp regarding the practices, products or services of Norvergence, please provide: 1) the date of each such inquiry; 2) a description of the inquiry made; and 3) a description of each and every response made by Bancorp to such inquiries.

Respectfully submitted,  
Bay Mortgage Services, Inc., Petitioner  
By their Attorneys:  
TRIFFLETTI & COSTA, P.C.

Allan J. Costa, Esquire, B.B.O. # 544015  
124 Long Pond Road  
Plymouth, MA 02360  
(508) 46-1464

TRIFFLETTI &  
COSTA, P.C.  
COURTYARD PLACE  
24 LONG POND ROAD  
PLYMOUTH, MA 02360-2542  
508 745-1464

Dated: September 15, 2004

**CERTIFICATE OF SERVICE**

I, Allan J. Costa, Esquire, hereby certify that I have served a copy of this FIRST SET OF INTERROGATORIES BY PLAINTIFF, BAY MORTGAGE SERVICES, INC., TO THE DEFENDANT, USBANCORP by mailing a copy of same, certified mail, return receipt requested, to the Defendant this 15<sup>th</sup> day of September, 2004.

  
Allan J. Costa, Esquire